

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES ex rel. FREDERICK
BANKS, et al.,

Plaintiffs,

vs.

NEW YORK POLICE DEPARTMENT, et
al.,

Defendants.

Case No. 2:15-cv-00151-LDG-CWH

ORDER

Plaintiffs have submitted an application to proceed in forma pauperis (#1) and a petition for a writ of mandamus. The court finds that plaintiffs are unable to pay the filing fee. The court has reviewed the petition, and the court will dismiss the action.

The petition contains five counts. The first two counts are purported charges of murder and manslaughter for the deaths of two men, Eric Garner and Michael Brown, which had received national attention. Plaintiffs invoke 18 U.S.C. § 1111. This is a statute of criminal law that does not give plaintiffs a private right of action. Furthermore, these two counts suffer from the same defect as the other three counts, described below.

The other three counts involve plaintiffs themselves. All three counts describe events that did not occur in the District of Nevada, if they occurred at all.¹ The District of Nevada is not the correct venue for this action. See 28 U.S.C. § 1391. The court does not find it to be in the interests

¹Count 4 contains some plainly frivolous allegations of a government conspiracy to use microwaves to read plaintiffs' minds.

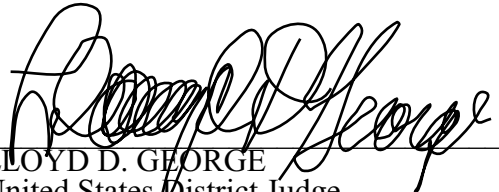
1 of justice to transfer this action to the correct district. Plaintiffs' allegations border on the frivolous,
2 if not cross over into frivolity, and a transfer would merely waste other judicial resources.

3 IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (#1) is
4 **GRANTED**. Petitioner need not pay the filing fee of five dollars.

5 IT IS FURTHER ORDERED that the clerk of the court shall file the petition for a writ of
6 mandamus.

7 IT IS FURTHER ORDERED that this action is **DISMISSED**. The clerk of the court shall
8 enter judgment accordingly.

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10 DATED: 15 June 2015

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LLOYD D. GEORGE
United States District Judge